

DOCKET NO.: 306400.01 / MSFT-2828
Application No.: 10/805,706
Office Action Dated: September 21, 2006

PATENT

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 1. The sheet, which includes Fig. 1, replaces the original sheet, including Fig. 1.

Attachment: Replacement Sheet

REMARKS

Upon entry of the present amendment, claims 1-5, 7-14 and 16-18 will be pending in this application. Claims 6 and 15 are hereby canceled. The Specification is objected to due to alleged informalities. The Drawings are objected to because they allegedly include reference characters not mentioned in the Description. Claims 1-4, 8, 10, 11 and 18 are objected to due to alleged informalities. Claims 1-18 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Claims 1-4, 10-13 and 18 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Patent Application Publication No. 2002/0107843 ("Biebesheimer"). Claims 5 and 9 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by United States Patent No. 6,571,236 ("Ruppelt"). Claims 6-8 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ruppelt in view of United States Patent No. 6,434,547 ("Mishelevich"). Applicants respectfully traverse all the rejections listed above.

Interview Summary

Applicants' undersigned representative, Mr. Eiferman, and Examiner Brent Stace participated in a telephonic interview on November 8, 2006, during which the above amendments to claims 1, 10, 11 and 18 were discussed. Examiner Stace stated that the above claim amendments appeared to overcome the 35 U.S.C. § 102(b) rejections of record with respect to independent claims 1, 10, 11 and 18. Other possible amendments to other claims were discussed, with Mr. Eiferman agreeing to make further amendments, which are shown above.

Specification

The Specification is objected to due to alleged informalities. Applicants have made the necessary corrections to the Specification.

Drawings

The Drawings are objected to because they allegedly include reference characters not mentioned in the Description. The Drawings are hereby amended to delete these reference numbers.

Claim Objections

Claims 1-4, 8, 10, 11 and 18 are objected to due to alleged informalities. Applicants have made the necessary corrections to claims 1-4, 8, 10, 11 and 18.

Rejections under 35 U.S.C. § 101

Claims 1-18 stand rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Specifically, the Office Action alleges that there is no useful tangible result. Applicants respectfully traverse and submit that independent claims 1, 5, 10, 11, 14 and 18 provide useful tangible results such as, for example "using the context-based user feedback data to evaluate the performance of the search mechanism." Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 101 rejections are respectfully requested.

Rejections under 35 U.S.C. § 102

1. Claims 1-4, 10-13 and 18 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by United States Patent Application Publication No. 2002/0107843 ("Biebesheimer"). Applicants respectfully disagree and traverse.

Independent claims 1, 10, 11 and 18 recite acquiring context-based user feedback data "by submitting questions to the user regarding a performance of the search engine with respect to said search and receiving responses to said questions."

Biebesheimer does not teach or suggest submitting questions to the user regarding a performance of the search engine and receiving responses to the questions.

Accordingly, Applicants respectfully submit that independent claims 1, 10, 11 and 18 are not anticipated by Biebesheimer. Applicants further submit that claims 2-4, 12 and 13 are patentable at least by reason of their dependency.

2. Claims 5 and 9 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by United States Patent No. 6,571,236 ("Ruppelt"). Applicants respectfully disagree and traverse.

Independent claim 5 recites "determining if a snooze request specifying a time period to suspend collection of explicit feedback data is in effect from said user, and, if not, collecting explicit feedback data from said user."

The feature of a snooze request was previously recited in cancelled claim 6. With respect to cancelled claim 6, the Office Action (page 11) states that Ruppelt does not expressly teach the snooze request, and the Office Action cites Mishelevich as allegedly teaching this feature. Specifically, Mishelevich (Col. 8, l. 62 - Col. 9, l. 5 and Col. 10, l. 63 - Col. 11, l. 22) discloses a "predefined time period" for prompting a user to enter data into a data entry field. After expiration of the predefined time period, any data that the user has entered into the data entry field is considered to be a complete entry, and the system then moves to a subsequent data entry field.

Applicants respectfully submit that the "predefined time period" of Mishelevich is not analogous to the claimed "snooze request." As recited in claim 5, the "snooze request" is a request "specifying a time period to *suspend* collection" of data. By contrast, the "predefined time period" is a time period during which the user is *prompted* to enter data. Moreover, the absence (*e.g.*, expiration) of a pre-defined time period is not analogous to a snooze request because it does not "specify a time period" to suspend collection of data.

Accordingly, Applicants respectfully submit that independent claim 5 is not anticipated by Ruppelt. Applicants further submit claim 9 is patentable at least by reason of its dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102 rejections are respectfully requested.

Applicants further submit that, for at least the reasons stated above, independent claim 5 (and independent claim 14 which also recites the snooze request feature) are patentable over Ruppelt and Mishelevich.

Rejections under 35 U.S.C. § 103

Claims 6-8 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ruppelt in view of United States Patent No. 6,434,547 ("Mishelevich"). Applicants respectfully disagree and submit that claims 6-8 and 15-17 are patentable at least

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by reason of their dependency. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 103 rejections are respectfully requested.

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CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Applicants respectfully submit that no new matter is added in the above amendments. In view of the above amendments and remarks, Applicants respectfully request reconsideration of the present application.

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